

### BASIS FOR THE AMENDMENT

Claim 1 has been amended.

Claims 2-17 have been added.

Support for the amendment of Claim 1 can be found in original Claim 1 and page 19, lines 9-11. New Claims 2-6 are supported by page 14, lines 3-14. New Claim 7-17 are supported by page 17, line 33 to page 22, line 8.

No new matter has been added by the present amendment.

### REMARKS

Claims 1-17 are active in this application.

At the outset, Applicants wish to thank Examiner Meller for the helpful and courteous discussion with their undersigned Representative on January 9, 2003. Reconsideration is respectfully requested in view of the amendments and remarks presented herein.

The rejection of Claim 1 under 35 U.S.C. § 102(b) over Heinzel-Wieland et al, EP 494071, or WO 86/00077 are obviated by amendment.

The present invention provides, in part, a therapeutic drug for refractory injuries having as an active ingredient 3-(RS)-[[4-(carboxymethylaminocarbonyl)phenylcarbonyl]-L-valyl-L-prolyl]amino-1,1,1-trifluoro-4-methyl-2-oxopentane or a salt thereof (see Claim 1).

Applicants submit that Heinzel-Wieland et al, EP 494071, and WO 86/00077 do not disclose or suggest this compound, much less a therapeutic drug for refractory injuries containing this compound.

At page 17, line 33 to page 18, line 5, Applicants define the refractory injuries to include ulcers of the skin, ulcers of the feet, ulcers of the stomach, and ulcers of the cornea. Applicants note that none of the art of record disclose or suggest a therapeutic drug *for*

*refractory injuries* having 3-(RS)-[[4-(carboxymethylaminocarbonyl)phenylcarbonyl]-L-valyl-L-prolyl]amino-1,1,1-trifluoro-4-methyl-2-oxopentane or a salt thereof as an active ingredient.

Accordingly, it is respectfully requested that this ground of rejection be withdrawn

Applicants submit that the present application is now in condition for allowance.

Early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Vincent K. Shier, Ph.D.  
Registration No. 50,552



22850

Tel.: 703-413-3000  
Fax: 703-413-3220  
NFO:VKS

DOCKET NO.: 221312US0PCT  
SERIAL NO.: 10/088,525

MARKED-UP COPY

IN THE CLAIMS

Please amend the claims as follows:

1. (Amended) A therapeutic drug for refractory injuries, comprising [a substance having a human leucocyte elastase inhibitory activity] 3-(RS)-[[4-(carboxymethylaminocarbonyl)phenylcarbonyl]-L-valyl-L-prolyl]amino-1,1,1-trifluoro-4-methyl-2-oxopentane or a salt thereof as an effective ingredient.--

--2. - 17. (New)--